

ZB# 99-32

Michael Pospisil

80-1-7

Prelim.

July 12, 1999.

Notice of P.H. - to Sanctioned 8/13/99.

Public Hearing:

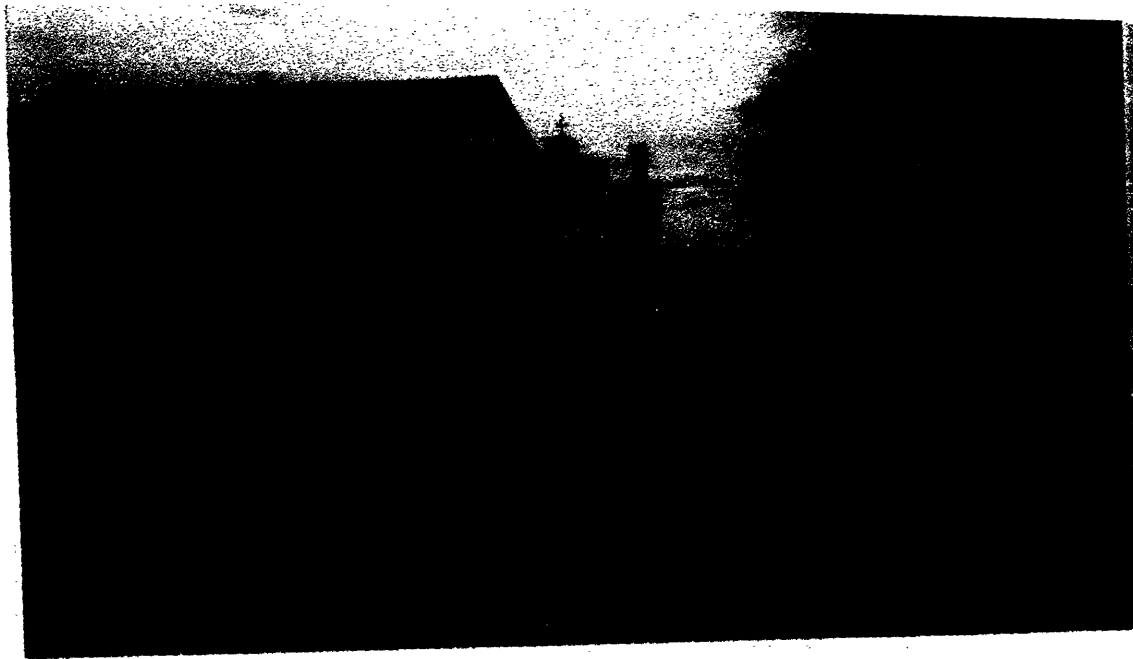
Sept. 13, 1999.

Refund: \$ 189.50

#99-32- Pospisil, Karen + Michael

80-1-17 Area.





Wilson Jones • Carbonless • 51854-NCR Duplicate • 516574-CL Tiplike

© Wilson Jones, 1988

DATE August 13, 1999 RECEIPT 134231

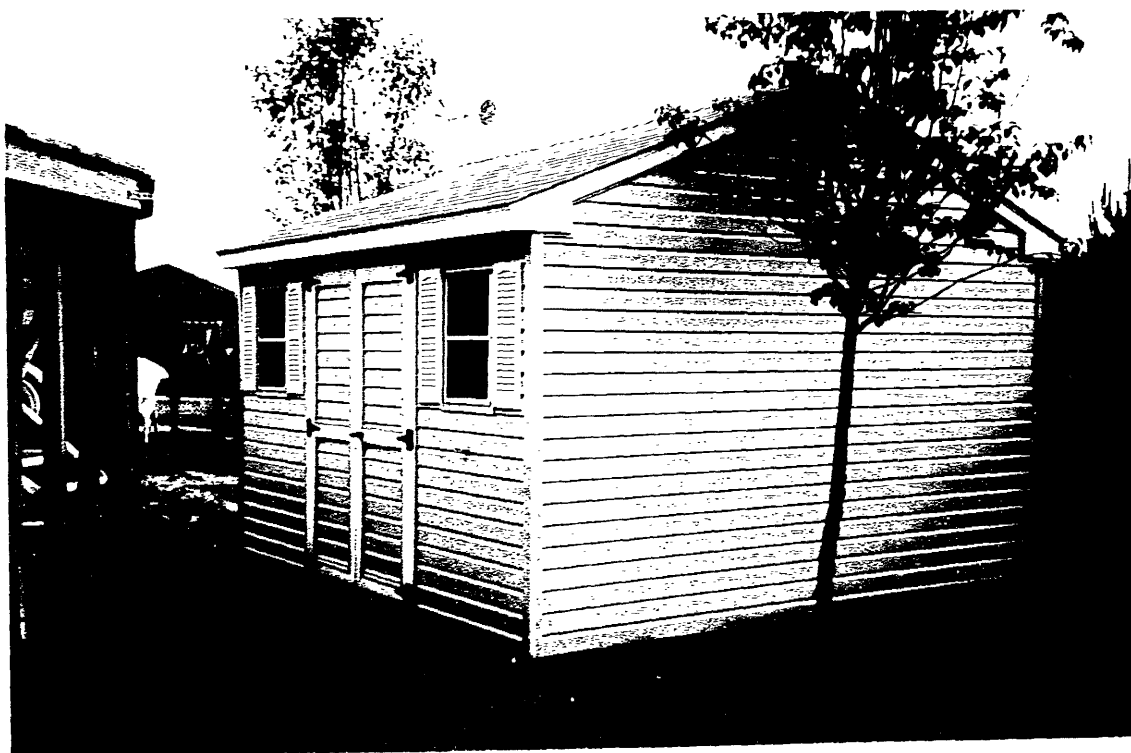
RECEIVED FROM Karen Pospisil

Address Fifty and 00/100

FOR LBA Application Fee # 99-32 DOLLARS \$50.00

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	3063
AMOUNT PAID		CHECK	3000
BALANCE DUE		MONEY ORDER	

Town Clerk
BY Dorothy N. Hansen



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Rosipil, Karen

FILE# 99-320

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

fail 8/13/99 #3064

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

fail 8/13/99 #3063

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/12/99-6 \$ 27.00
2ND PRELIMINARY- PER PAGE 9/13/99-3 \$ 13.50
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 40.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 7/12/99 \$ 35.00
2ND PRELIM. 9/13/99 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 110.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT . \$ 189.50

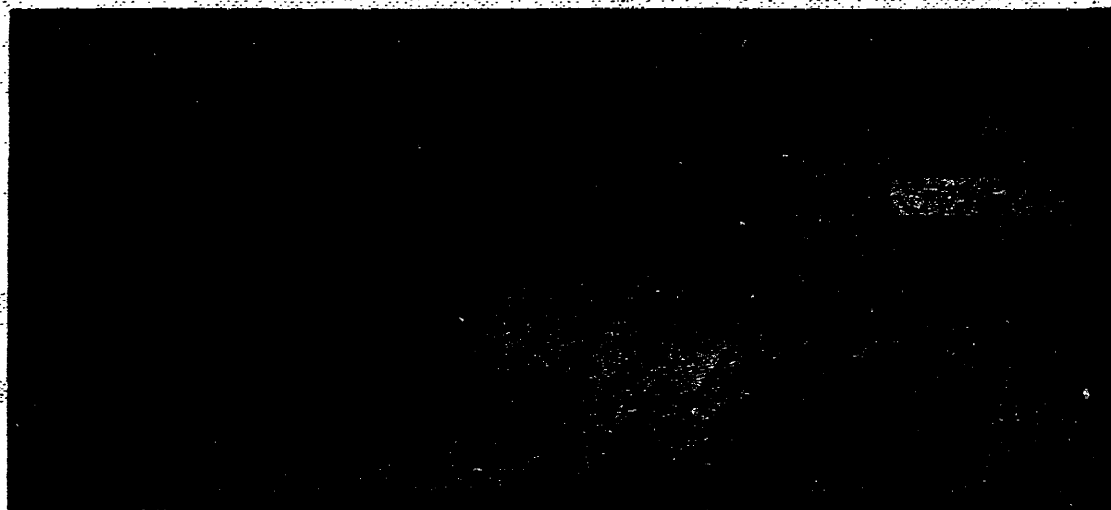
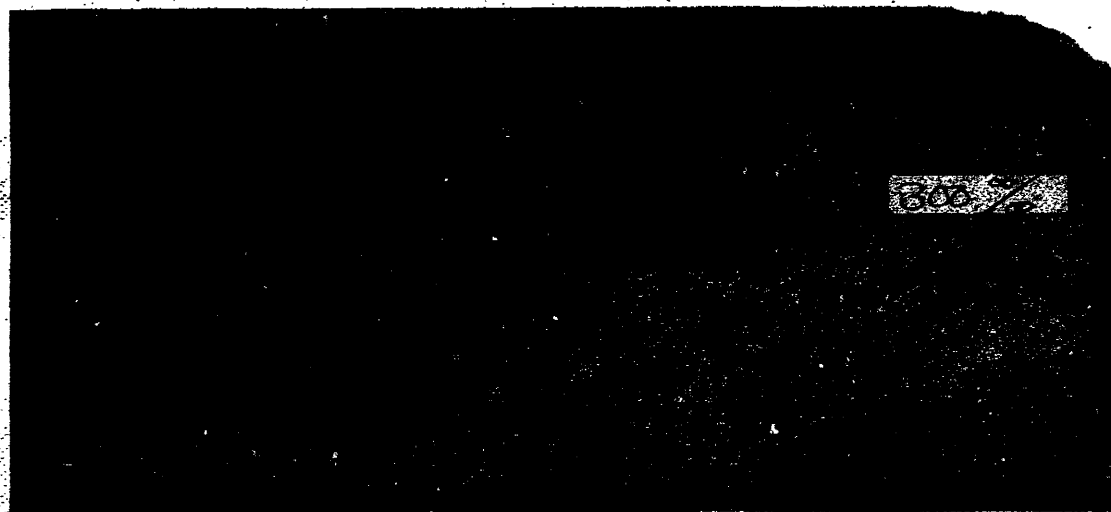
Date 9/30, 1999

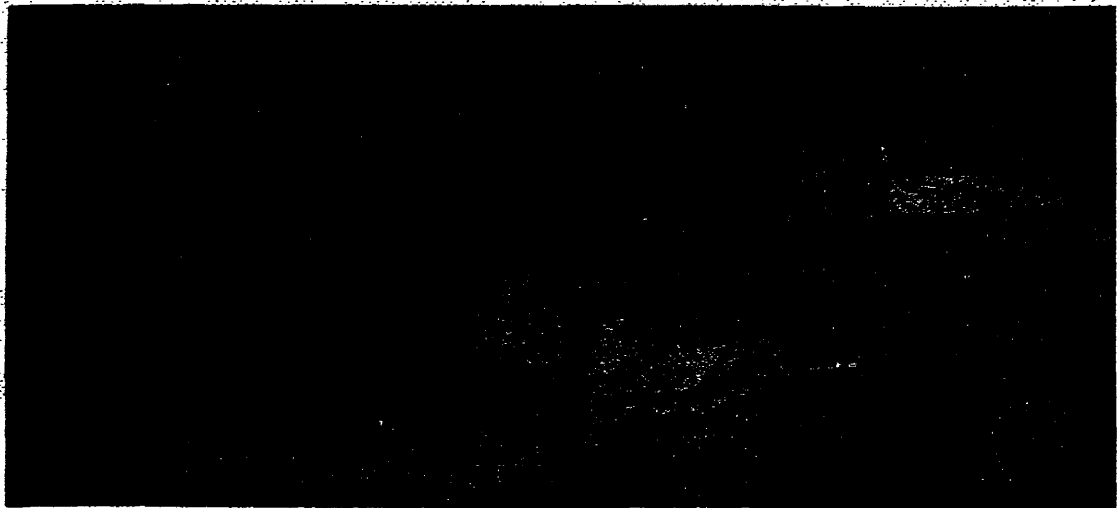
TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Karen Bospisil DR.
203 Butterhill Drive, N.W.

[illegible]





**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

In the Matter of the Application of

MICHAEL POSPISIL

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#99-32.

WHEREAS, MICHAEL POSPISIL, residing at 203 Butterhill Drive, New Windsor, N.Y. 12553, has made application before the Zoning Board of Appeals for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow an existing shed to be relocated closer to road than principal residence on a corner lot which has three front yards, at the above residence in a CL-1 zone; and

WHEREAS, a public hearing was held on the 13th day of September, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spectator spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant seeks a variance to allow the relocation of a shed which will be placed closer to the road than the principal residence on a corner lot which has three front yards.

(c) In actuality, no matter where the shed is relocated on this parcel, a variance will be necessary.

(d) The shed does not cause any drainage problems nor does it divert water run off or cause any ponding of water.

(e) Other homes in the neighborhood have similar sheds.

(f) The shed is not located on the top of any water or sewer easements. The lot on which it is located is irregularly shaped and is on the corner of two streets.

(g) The shed is not located on the top of any water or sewer easements.

(h) During the time the shed has been erected there have been no complaints neither formal or informal.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

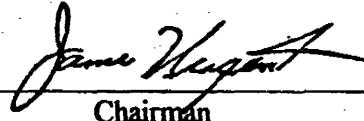
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow relocation of an existing shed closer to road than principal residence on a lot which has three front yards, at the above address in a CL-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 8, 1999.


Chairman

Date 9/25/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/13/99		Zoning Board Mtg	75 00	
		Misc - 3		
		Ross - 5		
		TGS Assoc. - 6		
		Johnson - 5		
		Anderson - 3		
		Qwest Realty - 3		
		Pospisil - 3		
		Rinaldi - 3		
		31	139 50	
			214 50	

POSPISIL, MICHAEL

MR. NUGENT: Request for existing shed to be relocated closer to road than principal structure n variation of Section 48-14A(4) of the Supplemental Yard Regulations at 203 Butterhill Drive in a C1-1 zone.

Mr. Michael Pospisil appeared before the board for this request.

MS. BARNHART: I have some nice pictures here, you probably remember this from before.

MR. KRIEGER: Problem is his side yard is really a front yard.

MR. KANE: Corner lot.

MR. KRIEGER: Even though it appears to the casual observe that the shed would be in the front yard, it actually projects closer to the road than the principal residence, because contrary to the impression to the casual observe, it is actually a front yard, he has three front yards.

MR. TORLEY: There are people who have three.

MR. KRIEGER: That's a paper road by the side there is it?

MR. BABCOCK: No.

MR. POSPISIL: No, it's an actual road.

MR. KANE: No water drainage problems from the shed whatsoever?

MR. POSPISIL: No.

MR. KANE: Even though you put the shed up and it would be kind of financially imposing to move it at this point?

MR. POSPISIL: Say it again.

MR. KANE: It would be financially imposing to move the shed?

MR. POSPISIL: Yes.

MR. KRIEGER: Actgually, if I understand the layout, you couldn't move the shed and still keep it anywhere on the yard and still need a variance.

MR. POSPISIL: I can put it in the back yard?

MR. KRIEGER: Anywhere in the yard that it is you'd need a variance?

MR. POSPISIL: Yeah, anywhere.

MR. KRIEGER: Water problems, he means that it doesn't interfere with the course of drainage, divert, cause any ponding or collection of water?

MR. POSPISIL: No.

MR. TORLEY: Not over any easements?

MR. POSPISIL: Not even close.

MS. BARNHART: For the record, we sent out 63 notices on September 3 to all adjacent property owners and I don't know if we have anybody in the audience.

MR. NUGENT: Anymore questions?

MR. KANE: No.

MR. KRIEGER: How long has the shed been existing?

MR. POSPISIL: It's from Mr. Shed, it's been existing for three months, I'd say.

MR. NUGENT: Is there anyone in the audience for this? Let the record show that there's no one in the audience. Back up to the board, I'll accept a motion.

MR. KRIEGER: I have one other question and that is is this shed similar to other sheds in the neighborhood?

MR. POSPISIL: Mr. Shed builds many sheds and there's many.

MR. KRIEGER: There are others like that in the neighborhood?

MR. POSPISIL: Yes.

MR. KANE: Mr. Chairman, I move that we approve the requested variances by Mr. Pospisil for his property at 203 Butterhill.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: June 21, 1999

APPLICANT: Micheal ~~Popisk~~ *Pospisi*
203 Butterhill Drive
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 80-1-7

FOR : Relocation of existing shed

LOCATED AT: 203 Butterhill Drive

ZONE: CL1

DESCRIPTION OF EXISTING SITE: 80-1-17

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed will be relocated to project closer to road than house. This is a corner lot.


BUILDING INSPECTOR

PERMITTED Not

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: CL USE: 48-14-A-4

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

excavating is complete and footing forms are in place (before pouring.)

Foundation inspection. Check here for waterproofing and footing drains.

Inspect gravel base under concrete floors and underslab plumbing.

Inspect framing, rough plumbing, rough electric and before being covered.

Foundation.

Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be

completed at this time. Well water test required and engineer's certification letter for septic system required.

Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.

\$1.00 charge for any site that calls for the inspection twice.

Call 24 hours in advance, with permit number, to schedule inspection.

There will be no inspections unless yellow permit card is posted.

Minor permits must be obtained along with building permits for new houses.

Electric permit must be submitted with engineer's drawing and perc test.

Minor opening permits must be obtained from Town Clerk's office.

Building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: _____

**ATTENTION: OWNER'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Permit Premises Michael Pospisil

203 Butterhill Dr. New Windsor NY 12553 Phone 914 569-1475

Address _____

Architect _____

Phone _____

Contractor MR Sheel

Phone _____

Whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

at street is property located? On the South side of Butterhill Dr
(N,S,E or W)
feet from the intersection of _____

r use district in which premises are situated _____ Is property a flood zone? Y N X

ap Description: Section 80 Block 1 Lot 7

existing use and occupancy of premises and intended use and occupancy of proposed construction.

ling use and occupancy _____ b. Intended use and occupancy _____

of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

a corner lot? yes

sions of entire new construction. Front 12' Rear 12' Depth 12' Height _____ No. of stories 1

ing, number of dwelling units: _____ Number of dwelling units on each floor _____

x of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

2/Hot Air _____ Hot Water _____ If Garage, number of cars _____

ness, commercial or mixed occupancy, specify nature and extent of each type of use _____

ted cost _____ Fee For VARIANCE ONLY
See EXISTING shed permit (2)

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

Michael Papp

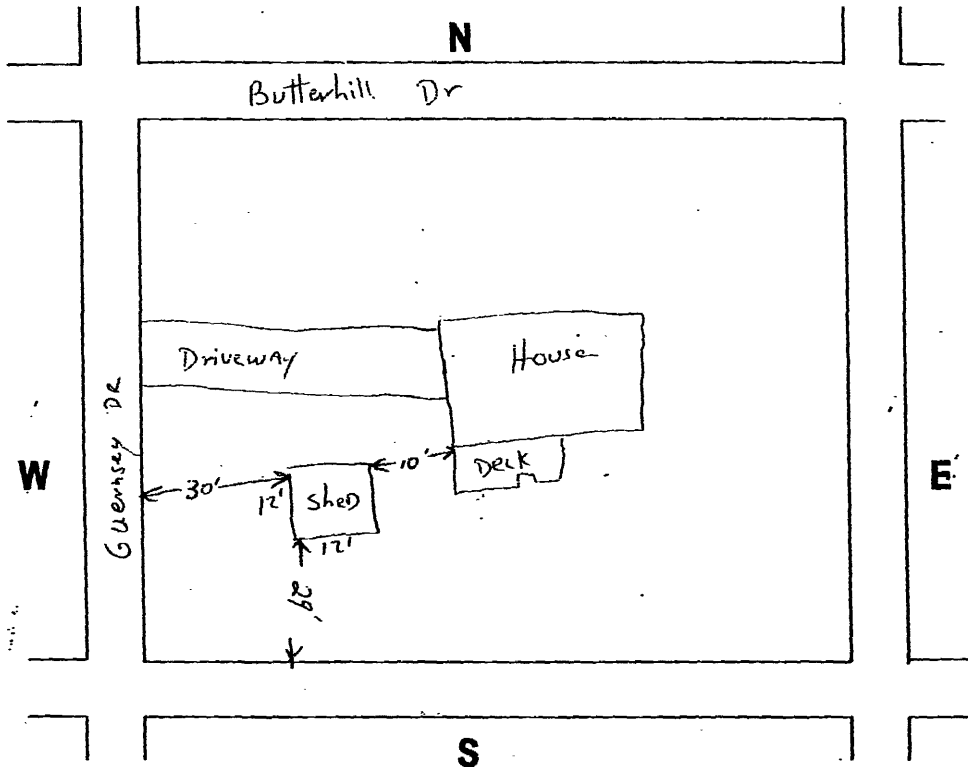
203 Butterhill Dr. New Windsor, NY 12553

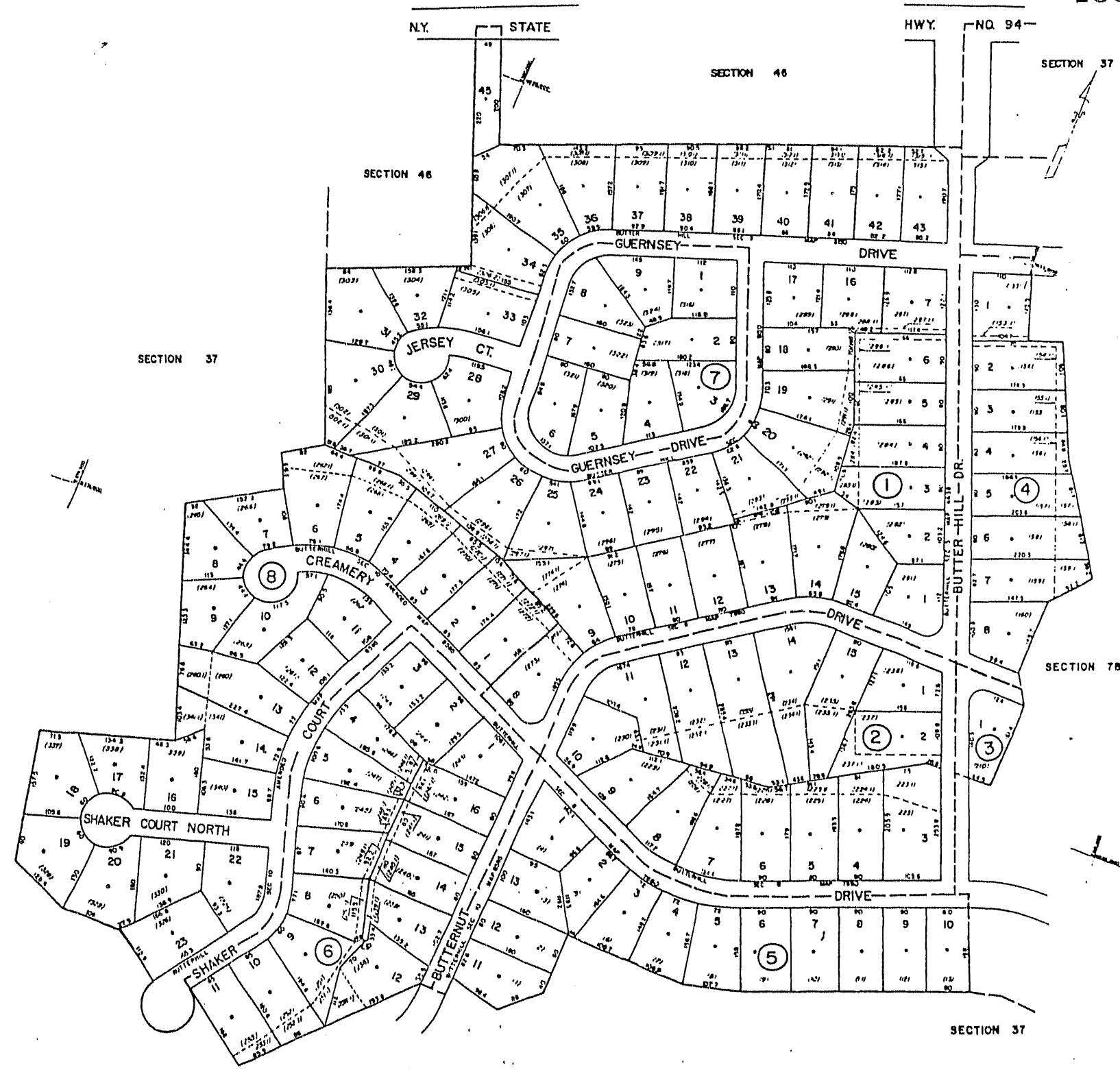
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N. Y. 10924
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY, TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREAS (2663) 1/4, 1/2, 3/4, 1/8, 1/16	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAM	DIMENSIONS (Dred) 40' (Shaded) 116'	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTROID		TOWN ROADS

ORANGE COUNTY - NEW YORK
Photo No. 14-3233 Date of Map: 9-10-84
Date of Photo: 3-1-85 Date of Revision: 3-1-91
Scale: 1" = 100'

TOWN OF NEW WINDSOR
Section No. 80

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Michael & Karen Fosjisi
Applicant.

#99-32.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Sept. 3, 1999, I compared the 63 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
3rd day of Sept, 1999.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2001



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

July 27, 1999

63

Michael & Karen Pospisil
203 Butterhill Drive
New Windsor, NY 12553

RE: 80-1-7

Dear Michael & Karen Pospisil

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, less your deposit of \$25.00. Please remit the balance of \$60.00 to the Town Clerk at the above referenced parcel.

Sincerely,

S. Cook (e)

Leslie Cook
Sole Assessor

/jc
Attachments

Cc: Pat Barnhart, ZBA

Kenneth Louis Jeune & Madeline Monroig
215 Butterhill Drive
New Windsor, NY 12553

Maureen Mullin & Alan D Scheck
213 Butterhill Drive
New Windsor, NY 12553

John T Weber
211 Butterhill Drive
New Windsor, NY 12553

Andrew F & Carol J Elstob
209 Butterhill Drive
New Windsor, NY 12553

Michael J & Leonia Busija
207 Butterhill Drive
New Windsor, NY 12553

Samir & Dimple S Patel
205 Butterhill Drive
New Windsor, NY 12553

Mark F & Nicole M Owens
332 Butternut Drive
New Windsor, NY 12553

Michael A & Nancy R Bell
330 Butternut Drive
New Windsor, NY 12553

Anthony & Venus Sanchez
328 Butternut Drive
New Windsor, NY 12553

Maria Defazio & Gail E Steinheimer
326 Butternut Drive
New Windsor, NY 12553

Boris & Christina Lonkewycz
33 Guernsey Drive
New Windsor, NY 12553

William F & Kathleen M Vacca
PO Box 4013
New Windsor, NY 12553

Brian R & Janet M Carpenter
96 Guernsey Drive
New Windsor, NY 12553

James F & Nancy E Keating
94 Guernsey Drive
New Windsor, NY 12553

Louis E Hernandez & Iris D Cordero-
Hernandez
92 Guernsey Drive
New Windsor, NY 12553

Luigi A & Linda Dicocco
90 Guernsey Drive
New Windsor, NY 12553

Albert K Jr & Janet A Barton
88 Guernsey Drive
New Windsor, NY 12553

John C & Pamela K Barth
86 Guernsey Drive
New Windsor, NY 12553

Robert J & Nora J Bush
66 Guernsey Drive
New Windsor, NY 12553

Victor M & Maria A Perez
64 Guernsey Drive
New Windsor, NY 12553

Randolph G & Peggy L Wolfe
62 Guernsey Drive
New Windsor, NY 12553

John T & Tina M Reilly
60 Guernsey Drive
New Windsor, NY 12553

Michael J Armida & Mary Ann Neroda
58 Guernsey Drive
New Windsor, NY 12553

Charles & Nancy E Hatala
56 Guernsey Drive
New Windsor, NY 12553

Teresa Albaugh
201 Butterhill Drive
New Windsor, NY 12553

James D Suraci & Jeannie Olivieri
202 Butterhill Drive
New Windsor, NY 12553

Peter C Stukonis & Margaret M Elstob
204 Butterhill Drive
New Windsor, NY 12553

Roy B & Cynthia J Gutshall
705 Mara Drive
Blue Bell, PA 19422

Ava & Herbert Benjamin
208 Butterhill Drive
New Windsor, NY 12553

Anthony J Diloranzo & Linda M Pulz
210 Butterhill Drive
New Windsor, NY 12553

John P Fox
212 Butterhill Drive
New Windsor, NY 12553

John F Guido & Leslie C Hynes
2 Park Place
Apt # 1B
Newburgh, NY 12550

Donald & Donna J Bigi
216 Butterhill Drive
New Windsor, NY 12553

Rochelle D Amigo
53 Guernsey Drive
New Windsor, NY 12553

Dominick, Iola, & Jennie D Vinci
499 Franklin Sdtreet
Rye Brook, NY 10573

Dusan Milko & Valeria Milkova
49 Guernsey Drive
New Windsor, NY 12553

Nicholas E Morris & Melissa L Riggins
47 Guernsey Drive
New Windsor, NY 12553

John Carpenter
272 Quassaick Avenue
New Windsor, NY 12553

Kevin D & Kim L White
41 Guernsey Drive
New Windsor, NY 12553

Kevan & Jayne Schaum
39 Guernsey Drive
New Windsor, NY 12553

James R Smith & Diane Cassell-Smith
37 Guernsey Drive
New Windsor, NY 12553

Patricia Lynn Koster
42 Guernsey Drive
New Windsor, NY 12553

Tara L & Patrick J Fallacaro
44 Guernsey Drive
New Windsor, NY 12553

Jeffrey E Ragni
46 Guernsey Drive
New Windsor, NY 12553

Michael & Wanda Mendillo
48 Guernsey Drive
New Windsor, NY 12553

Freeman & Vanley Hugley
50 Guernsey Drive
New Windsor, NY 12553

David Anthony Perez & Lourdes Zapata
200 Butterhill Drive
New Windsor, NY 12553

Herman J & Dorothy Soloway
348 Sussex Street
Jersey City, NJ 07302

Michael T & Maureen A Busweiler
219 Dairy Lane
New Windsor, NY 12553

Robert & Peggy Smith
221 Dairy Lane
New Windsor, NY 12553

Raymond & Lisa McCormack
223 Dairy Lane
New Windsor, NY 12553

Albert & Marion Moo
25 Guernsey Drive
New Windsor, NY 12553

Steven G & Carol Lynn Radich
27 Guernsey Drive
New Windsor, NY 12553

John & Susan Curtis
23 Guernsey Drive
New Windsor, NY 12553

Kevin C & Julie M Hill
216 Dairy Lane
New Windsor, NY 12553

Yvon & Yolene Monchais Olivier
214 Dairy Lane
New Windsor, NY 12553

James B & Susan J Smith
212 Dairy Lane
New Windsor, NY 12553

Augusto & Gloria Latorre
537 Blooming Grove Tpke
New Windsor, NY 12553

Ronald A Brophy
533 Blooming Grove Tpke
New Windsor, NY 12553

Ridgecrest Baptist Church
PO Box 4070
New Windsor, NY 12553

New Windsor Shopping Center LLC &
Joseph Lamberti & Franco Marchese,
C/o Mary Mazzurco
792 Baldwin Ave
Baldwin, NY 11510

Bruce Robertson
PO Box 1466
Cross River, NY 10518-0466

Sycamore Associates LLC
431 Blooming Grove Tpke
New Windsor, NY 12553

Pls. publish
immediately.

Send bill to Applicant.

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 32

Request of Michael & Karen Pospisil

for a VARIANCE of the Zoning Local Law to Permit:

existing shed to be relocated closer to road
than principal structure;

being a VARIANCE of Section 48-14A(4)-Supp. Yard Regs.

for property situated as follows:

203 Butterhill Drive, New Windsor, NY,

known and designated as tax map Section 80, Blk. 1, Lot 17.

SAID HEARING will take place on the 13th day of Sept., 19 99, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-32

Date: 8/13/99

I. ✓ Applicant Information:

- (a) Michael Pospisil, 203 Butterhill Dr. 569-1475
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) C1-1 203 Butterhill Drive 80-1-17 112.6 X 127 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 12/92
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- ? (h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14A(4) ~~Table of~~ Supp. Yard Regs., ~~for~~ _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The Shed will fit in with other structures which exist in the neighborhood; will not cause any adverse effects or be detrimental to the environment.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign ..	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

(See photographs presented at Public Hearing.)

✓ IX. Attachments required:

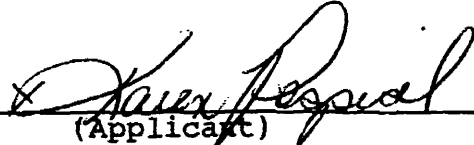
- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- ✓ N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ✓ N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: Aug. 13, 1999.


STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

13th day of August, 1999.



XI. ZBA Action:

(a) Public Hearing date: _____.

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1900.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

ORANGE COUNTY CLERKS OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

WALTER J. REIF AND DORIS B. REIF

TO
 MICHAEL POSPISIL AND KAREN POSPISIL

SECTION 80 BLOCK 1 LOT 7

RECORD AND RETURN TO:
 (Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
 RECORDED INSTRUMENT ONLY.

Kevin V. Brennan, Esq.
 284 Main Street
 Cornwall, New York 12518

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 13137 DATE 12/3/92 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED X MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

BG20 Blooming Grove _____
 CH22 Chester _____
 CO24 Cornwall _____
 CR26 Crawford _____
 DP28 Deerpark _____
 GO20 Goshen _____
 GR32 Greenville _____
 HA24 Hamptonburgh _____
 HI36 Highlands _____
 MK38 Minisink _____
 ME40 Monroe _____
 MY42 Montgomery _____
 MH44 Mount Hope _____
 NT46 Newburgh (T) _____
 NW48 New Windsor X _____
 TU50 Tuxedo _____
 WL52 Wallkill _____
 WK54 Warwick _____
 WA56 Wawayanda _____
 WO58 Woodbury _____
 MN09 Middletown _____
 NC11 Newburgh _____
 PJ13 Port Jervis _____
 9999 Hold _____

SERIAL NO. _____
 Mortgage Amount \$ _____
 Exempt Yes _____ No _____
 3-6 Cooking Units Yes _____ No _____
 Received Tax on above Mortgage
 Basic \$ _____
 MTA \$ _____
 Spec. Add \$ _____
 TOTAL \$ _____

CHECK X CASH _____ CHARGE _____

MORTGAGE TAX \$ _____
 TRANSFER TAX \$ 680.00

RECORD FEE \$ 14.00
 REPORT FORMS \$ 30.00

CERT COPIES \$ _____
Gosten Seniors

MARION S. MURPHY
 Orange County Clerk

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on DEC 04 1992
 at 1224 CC No. P. N.
 in Volume 3716 and examined
Marion S. Murphy
 County Clerk

RECEIVED <u>\$680.00</u> REAL ESTATE DEC 03 1992 TRANSFER TAX ORANGE COUNTY <i>mmf</i>
--

ONG 10/08/90 10206133 08019 44.00

***** EDUCATION FUND: 0.00 *****

DEED CONTROL NO: 63737 080.00 *

***** SERIAL NUMBER: 005119 *****

Deed

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

GO 6568

THIS INDENTURE, made the 3rd day of December, nineteen hundred and ninety-two
BETWEEN WALTER J. REIF AND DORIS B. REIF, both residing at 203 Butterhill
Drive, New Windsor, New York

party of the first part, and MICHAEL POSPISIL AND KAREN POSPISIL, husband and wife,
both residing at 167 S. Harrison Avenue, Congers, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, being known and designated as Lots #287 and #287.1 as shown on a map entitled "Final Subdivision Plan, Section 5, Butter Hill" last revised October 10, 1983 and filed in the Orange County Clerk's Office on July 20, 1984 as Map No. 6638.

Said premises also being described as follows:

SEE Schedule "A" attached hereto and made a part hereof.

BEING AND INTENDING to be the same premises as conveyed to Walter J. Reif and Doris B. Reif, by deed from Mid-Hudson Real Estate Development Corp., dated 6/28/89, and recorded in the Orange County Clerk's Office on 6/29/89, in Liber 3134 at Page 92.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this instrument so requires.

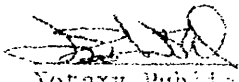
IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal this 2nd day of June 1908.

IN PRESENCE OF:

LIBER 3716 PAGE 314

Walter J. Reif by Matthew T. Bennett
WALTER J. REIF by Matthew T. Bennett,
Attorney-in-Fact
Doris B. Reif by Matthew T. Bennett
DORIS B. REIF, by Matthew T. Bennett,
Attorney-in-Fact

On the 3rd day of December 19 92, before me personally came Matthew T. Bennett, to me known and known to me to be the attorney-in-fact of Walter J. Reif, the individual described in and who by his said attorney-in-fact executed the foregoing instrument, by virtue of a power of attorney duly executed by the said Walter J. Reif, dated 9/17/92, and intended to be recorded simultaneously herewith.


Notary Public
JOHN M. WOOD
Notary Public, State of New York
Orange County
My Commission Expires
November 23, 1995

STATE OF NEW YORK, COUNTY OF

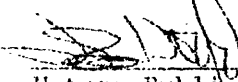
352

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by the order.

On the 3rd day of December 19 92, before me personally came Matthew T. Bennett, to me known and known to me to be the attorney-in-fact of Doris B. Reif, the individual described in and who by her said attorney-in-fact executed the foregoing instrument, by virtue of a power of attorney duly executed by the said Doris B. Reif, dated 9/18/92, and intended to be recorded simultaneously herewith.


Notary Public
JOHN M. WOOD
Notary Public, State of New York
Orange County
My Commission Expires
November 23, 1995

STATE OF NEW YORK, COUNTY OF

354

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTEE'S AULS

TITLE NO. 60 6562

WALTER J. REIF AND DORIS B. REIF

TO

MICHAEL POSTPISIL AND NAYER POSTPISIL

ALSO

BOOK

100

COUNTY OF ORANGE

RECORDED AT THE REQUEST OF

Layman's Title Insurance Corporation

RETURN BY MAIL TO

STANDARD FORM OF
NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

Layman's Title Insurance Corporation

Felix V. Stanton, Esq.
284 Main Street
Cornwall, New York

12518
Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

GOSHEN SEARCHERS ETC.
26 SCOLCHTOWN AVENUE
GOSHEN, NEW YORK 10924
POLICY WRITING AGENT FOR
THE Title Insurance of New York ETC.
OFFICE: 914-294-5110
COUNTY BUILDING: 914-294-5915
NEWBURGH THE LINE: 914-891-6150
FAX 914-294-0681

LIBR 3716 PAGE 315

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

Date 7/2/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

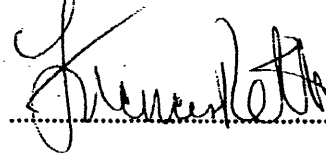
TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
7/2/99		Zoning Board Mtg	75 00	
		Misc. - 2		
		Algrusa - 4		
		Kadian - 4		
		Fountain - 10		
		Paspisil - 6 \$27.00		
		Gannon - 2		
		Leatto - 3		
		Zecoda - 2		
		McGounness - 3		
		Costari - 2 38	171 00	
			246 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR } ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

.....
Nature
Amount Claimed \$
Amount Allowed \$
Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....
the within claim was audited and allowed
for the sum of

\$

.....
Clerk

POSPISIL, KAREN

MR. NUGENT: Request for variance of Section 48-14(A)4 of the Supplemental Yard Regulations for existing shed which will be relocated to project closer to road than principal residence on corner lot located at 203 Butterhill Drive in a CL-1 zone.

Mr. Michael Pospisil appeared before the board for this proposal.

MR. POSPISIL: Good evening, Michael Pospisil. I have pictures here of the shed that's already there. I got a permit for it, I'm on a corner lot and I want to put it on the side line and I didn't have any idea that the side was considered my front car.

MR. KANE: Considered two front yards.

MR. POSPISIL: Yes, so I got the permit to put the shed in the back yard which isn't a bad spot because we want to put a pool.

MR. NUGENT: You're moving it where these buckets are?

MR. POSPISIL: Yeah, the buckets are 12 x 12.

MR. NUGENT: It really works because that's actually the side of the house.

MR. POSPISIL: I thought so too.

MR. TORLEY: Corner lots get you every time.

MR. POSPISIL: Why is that?

MR. NUGENT: Because you have two front yards.

MR. POSPISIL: Why don't they say side and side?

MR. KANE: Let's just say it's New York State. Can you show us here on this picture?

MR. NUGENT: Those buckets, that's 12 x 12 right there.

MR. POSPISIL: I've got a little siding the same color as the house so it's not an eyesore.

MR. TORLEY: Regardless of the accessory building, it otherwise would meet the setbacks?

MR. BABCOCK: Well, the setback that it doesn't meet is it projects closer to the street than the principal building.

MR. TORLEY: As far as front yard, if it was attached to the house directly so it didn't matter still would be made the front yard and side yards?

MR. KANE: Sure, it would be 12 feet on the side so he meets it.

MR. BABCOCK: Twelve foot side yard he's providing that it's going to be 30 foot off Guernsey.

MR. KANE: So you need ten foot right to get the 40?

MR. BABCOCK: Well, the thing is the front yard setback for the house would be 40 feet.

MR. KANE: So he needs ten foot.

MR. BABCOCK: If he was back 40 feet he wouldn't be here.

MR. TORLEY: Because the structure, even the house is back 45 feet, he's in front of the house by five feet, he'd have, still have to be here.

MR. BABCOCK: Not on Guernsey.

MR. TORLEY: I'm confused.

MR. BABCOCK: The only one that Butternut Drive is what he fronts on.

MR. POSPISIL: Butterhill.

MR. BABCOCK: Butterhill excuse me, but it's only the road that it fronts on as far as the front yard

setback. The other one is can't project closer to the street than the principal building. Just can't be out there, if his house is 100 foot off the road, his shed's got to be 100 foot.

MR. NUGENT: Off the front.

MR. KANE: Michael, as far as his denial here, it's a request for the variance, it says relocate to project closer to the road, he doesn't need any kind of footage, ten foot?

MR. BABCOCK: No, that's it, just to be able to place it and based on it, he's got to comply with the 30 feet, I mean, if he decides if he wants to put it five foot from the road two years from now we're going to send him back here because you're going to approve his application or possibly approve it based on this.

MR. NUGENT: The numbers that we have.

MR. BABCOCK: That's also projecting closer to the street.

MR. KRIEGER: That's one thing the applicant should be aware of the zoning board is only empowered to decide that which is before it. If they turn out to be a foot off or six inches off or as the building inspector said you decide to move the shed closer to Guernsey, even if you would go through this whole process and get a variance, that variance will be null.

MR. BABCOCK: Closer to the street, you know, it might be blocking traffic, you know, that's the whole, but 30 feet off the road, but if you decide tomorrow that you are going to tell us that as a building permit, you only want it five foot from the street, we're going to say no, you can't do that.

MR. POSPISIL: How far from the house does it have to be, how close to the house can I put the shed?

MR. BABCOCK: How big is the shed?

MR. POSPISIL: 12 x 12.

MR. BABCOCK: It's 100 square feet, I don't know, I'm not sure of that if it's vinyl siding, it's probably five foot.

MR. TORLEY: He couldn't attach it to the house?

MR. BABCOCK: If it's part of the house, yeah, but it's not, you can't just slide it up against the house, not if it's over a hundred square feet.

MR. NUGENT: Got to be able to get around it.

MR. POSPISIL: So, you think it's five feet from the house?

MR. BABCOCK: Yeah.

MR. POSPISIL: How do I check that out?

MR. KANE: My concern here, Mike, is that he's not going to need anything in his variance to state it's going to be a certain amount of footage from the front road, not for you, but for us, but for the banks and any refinancing that's not going to come down the line.

MR. BABCOCK: No, we're going to, if you approve this application, when we go out to look where he placed it, you know, I don't know, we're going to give him a C.O. based on this application, quite honestly, if he's 20 foot 6, I'm sure I'm not going to be concerned about that.

MR. KANE: You'd get him at 29'8".

MR. KRIEGER: I'm not sure, so the applicant understands, there are two separate requirements in the zoning code. The first requirement is that a structure such as this projects no closer to a street than the main structure, the separate requirement is that whether it projects or not, it has to be a certain number of feet off of the roadway from the roadway.

MR. POSPISIL: For the easement or whatever.

MR. KRIEGER: No, from the property line. We're measuring the distance now I'm talking about the distance between the shed and the road, not the shed and the house. That's yet another requirement. If you apply for a variance and are successful in getting one that would allow you to put it closer to the road. You still have to honor that setback as we call it, it's a separate requirement. If you want to get it close to the road than the setback allows this variance if you've gotten it won't do you any good, that's what they were talking about.

MR. POSPISIL: Good.

MR. REIS: By moving the shed, you're not going to be blocking your neighbors view in any way?

MR. POSPISIL: No, you can see the pictures.

MR. REIS: Just for the record.

MR. BABCOCK: He's got a survey, he's got 52 feet from the property line to the house, he's got a 30 foot front yard, 12 foot shed and 12 foot to the house is 52 feet, so he's exactly right on.

MR. KRIEGER: Should be fine.

MR. POSPISIL: If I wanted to put it closer than ten feet, I can do that still?

MR. BABCOCK: Yeah, if you go farther off the road, we don't have any objection to that.

MR. POSPISIL: Okay.

MR. NUGENT: Accept a motion.

MR. TORLEY: I move that we grant the Pospisils a public hearing on their requested variance.

MR. KANE: Second the motion.

ROLL CALL

July 12, 1999

25

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: This is your paperwork.

MR. KRIEGER: If you would take this with you, this is the criteria on which the state requires that the zoning board to decide. So if you would address yourself to those criteria at the public hearing, that would be helpful.

MR. POSPISIL: Thank you.